

May 2, 2019

SUBMITTED VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 02-6; Request for Waiver

On behalf of Education Service Center Region 10 d/b/a Fiber Network Consortium (ESC Region 10) (BEN 16048959), VST Services, LP hereby requests a waiver of the Funding Year 2019 471 filing window for Application #191041900, certified on April 9, 2019.

The Federal Communications Commission has established precedent in multiple orders (*Acorn Public Library District Order*,¹ *Academy of Math and Science Order*,² *Anderson Elementary School Order*³) that applicants that filed their 471 applications within 14 days of the 471 filing deadline have filed their applications close enough to the filing window that their applications should be considered timely submitted. In the *Academy of Math and Science Order*, the Commission found that applicants that filed their applications within 14 days of the deadline for filing had satisfied the Commission's requirement to show special circumstances.⁴ The Commission also found that applications that were filed within 14 days were filed close enough to the deadline so as not to impair the administration of the program.⁵

ESC Region 10 filed its 471 application on April 9, 2019, which was within 14 days of the filing window deadline of March 27, 2019. See attached FCC Form 471 #191041900

¹ *Requests for Waiver and Review of Decisions by the Universal Service Administrator by Acorn Public Library District, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474, ¶ 5 (WCB 2008) (establishing that submission of a 471 application within 14 days is a procedural and not a substantive violation. "Therefore...because the FCC Form 471 was filed within 14 days after the filing window deadline, we find it in the public interest to waive the FCC Form 471 deadline.").

² *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math & Science, et al.*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, ¶¶ 8-9 (2010).

³ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School, et al.*, CC Docket No. 02-6, Order, FCC Rcd 5319, 5319-20, ¶ 2 (WCB 2012) ("We grant the 40 waiver requests...because those petitioners' applications...were filed shortly after the filing window closed.").

⁴ *Academy of Math & Science*, FCC Rcd at 9259-60, ¶¶ 8-9 (2010).

⁵ *Id.*

confirmation of filing. ESC Region 10 believes it has followed the rest of the Commission's program rules in submitting this application.

We therefore respectfully ask that the Commission waive the requirement that the application be filed by the filing deadline for the application listed above and direct the Schools and Libraries Division of the Universal Service Administrative Company to process this application as "submitted within the window."

Respectfully,

/s/ Russell Neal

Russell Neal, CEMP
VST Services, LP
905 Trophy Club Drive # 202
Trophy Club, TX 76262
682-237-7670
rneal@vstservices.com

ATTACHMENT – Form 471 Certification Confirmation

ESC Region 10 2019 SCC Phase II Funding Request - #191041900

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E-rate Productivity Center This is an acknowledgement that USAC has received Education Service Center Region 10 DBA Fiber Network Consortium's FCC Form 471 - 191041900 for Funding Year 2019 on 4/9/2019, which was submitted out-of-window. Therefore, your application will not be considered for funding.

TO REQUEST A WAIVER OF THE FILING WINDOW DEADLINE:

The window filing requirement is contained in the Federal Communication Commission (FCC) rules for the E-rate program. USAC cannot consider requests for waivers of FCC rules. If you missed the FCC Form 471 filing window deadline and wish to request a waiver, you may file a waiver request with the FCC. When you file a waiver request, you should list "CC Docket No. 02-6" on the first page of your waiver request. We strongly recommend that you review the information provided on the USAC website about filing waiver requests.

Please keep a copy of this notification for your records. To print this notification, click on the Date below, and use your browser's print function.

You can view your entire Form 471 by clicking the link below.

[ESC Region 10 2019 SC ... #16048959 - Education...](#)

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